



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/719,231

02/22/2001

Yoshihiko Matsukawa

2000-1663 A

7080

7590

06/25/2004

Wenderoth Lind & Ponack  
Suite 800  
2033 K Street NW  
Washington, DC 20006

EXAMINER

DANG, DUY M

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/719,231

Applicant(s)

MATSUKAWA ET AL.

Examiner

Duy M Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02/22/01.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-49 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention/species, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
3. This application contains claims directed to the following patentably distinct species of the claimed invention:
  - species 1** corresponding to the first embodiment described in the specification on page 62 line 12 to page 75 line 15, and Fig. 1;
  - species 2** corresponding to the second embodiment described in the specification on page 75 line 16 to page 80, line 5, and Fig. 2;
  - species 3** corresponding to the third embodiment described in the specification on page 80 line 6 to page 86 line 17, and Fig. 3;
  - species 4** corresponding to the fourth embodiment described in the specification on page 86 line 18 to page 92 line 21, and Fig. 4;
  - species 5** corresponding to the fifth embodiment described in the specification on page 92 line 22 to page 98 line 18, and Fig.5;

**species 6** corresponding to the sixth embodiment described in the specification on page 98 line 19 to page 102 line 6, and Fig. 6;

**species 7** corresponding to the seventh embodiment described in the specification on page 102 line 7 to page 106, line 3, and Fig. 7;

**species 8** corresponding to the eighth embodiment described in the specification on page 106 line 4 to page 109 line 9, and Fig. 8;

**species 9** corresponding to the ninth embodiment described in the specification on page 109 line 10 to page 112 line 20, and Fig. 9;

**species 10** corresponding to the tenth embodiment described in the specification on page 112 line 21 to page 115 line 9, and Fig. 10;

**species 11** corresponding to the ninth embodiment described in the specification on page 115 line 10 to page 120 line 3, and Fig. 11;

**species 12** corresponding to the eleventh embodiment described in the specification on page 120 line 4 to page 122 last line, and Fig. 12;

**species 13** corresponding to the twelfth embodiment described in the specification on page 123 line 1 to page 124 line 7, and Fig. 13;

**species 14** corresponding to the thirteenth embodiment described in the specification on page 124 line 8 to page 126, line 18, and Fig. 14;

**species 15** corresponding to the fourteenth embodiment described in the specification on page 126 line 19 to page 128 line 12, and Fig. 15;

**species 16** corresponding to the fourteenth embodiment described in the specification on page 128 line 20 to page 133 line 5, and Fig. 16;

Art Unit: 2621

**species 17** corresponding to the fourteenth embodiment described in the specification on page 133 line 6 to page 137 line 3, and Fig. 17;

**species 18** corresponding to the fourteenth embodiment described in the specification on page 137 line 4 to page 140 line 1, and Fig. 18;

**species 19** corresponding to the fourteenth embodiment described in the specification on page 140 line 2 to page 144 line 6, and Fig. 19;

**species 20** corresponding to the fourteenth embodiment described in the specification on page 144 line 7 to page 147 line 23, and Fig. 20;

**species 21** corresponding to the fourteenth embodiment described in the specification on page 147 line 24 to page 152 line 1, and Fig. 21;

**species 22** corresponding to the fourteenth embodiment described in the specification on page 153 line 2 to page 156 line 17, and Fig. 22;

**species 23** corresponding to the fourteenth embodiment described in the specification on page 156 line 18 to page 164 line 3, and Fig. 23;

**species 24** corresponding to the fourteenth embodiment described in the specification on page 164 line 4 to page 171 line 4, and Fig. 42;

**species 25** corresponding to the fourteenth embodiment described in the specification on page 171 line 5 to page 177 line 9, and Fig. 43;

**species 26** corresponding to the fourteenth embodiment described in the specification on page 177 line 10 to page 184 line 9, and Fig. 46; and

**species 27** corresponding to the fourteenth embodiment described in the specification on page 184 line 10 to page 190 line 4, and Fig. 47.

Art Unit: 2621

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Once applicant has identified the elected species and listed the claims readable thereon as required in paragraph 3 above, applicant must further elect the invention to which the claims should be restricted.

Art Unit: 2621

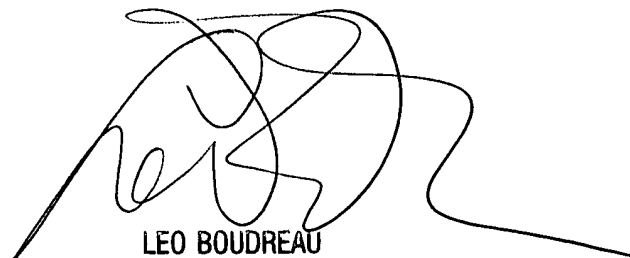
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*dmd*

dmd  
6/19/04

  
LEO BOUDREAU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600